

LAWS,

PASSED BY

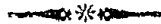
THE LEGISLATURE OF THE

STATE OF VERMONT,

AT THEIR

SESSION AT MONTPELIER,

**COMMENCED ON THE SECOND THURSDAY OF
OCTOBER, ONE THOUSAND EIGHT
HUNDRED AND EIGHTEEN.**



WINDSOR, Vt.

PUBLISHED FOR THE STATE, BY IDE & ALDRICH.

CHAPTER II.

Passed Nov. 10, 1818. An Act regulating and governing the Militia of this State.

Sec. 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That each and every free, able-bodied, white male citizen of this state, or of any other of the United States, residing within this state, who is, or shall be of the age of eighteen years, and under the age of forty-five years, (excepting as is herein after excepted) shall severally and respectively, be subject to the requisitions of this act, and shall be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall reside. And it shall be, at all times hereafter, the duty of the commanding officer of every such company, to enroll every such citizen as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty five years, and not herein after excepted, shall come to reside within his bounds; and shall, without delay, notify such citizen of the enrollment, by a non-commissioned officer or other person by him duly authorised for that purpose, by whom such notice may be proved. And in all cases of doubt respecting the age of any person enrolled, or intended to be enrolled, the party questioned shall prove his age to the satisfaction of the commanding officer of the company, within whose bounds he may reside. And any legal notice or warning to the citizen enrolled as aforesaid, to attend a company, battallion, or regimental muster or training, shall be a legal notice of his enrollment.

Militia how,
and by whom
enrolled.

What shall be
deemed no-
tice of enroll-
ment.

Sec. 2. *And it is hereby further enacted,* That the vice-president of the United States, members of congress of both houses, with their res-

Who exempt-
ed.

PUBLIC ACTS.

23

pective officers, members of the council, and members of the house of representatives, with their respective officers, while in session, secretary and treasurer of the state, officers judicial and executive of the government of the United States, justices of the supreme and county courts, judges of probate, county registers, justices of the peace duly qualified to act as such, sheriffs, high bailiffs, selectmen, constables, ministers of the gospel, elders and deacons of churches, and those of the religious denomination of quakers, officers and students of colleges and academies:—also, such physicians, surgeons, stated school-masters, ferrymen and millers, as the selectmen of the town to which they shall severally belong, shall, by a writing, under their hands, signify the expediency of exempting;—all custom house officers and stage drivers, actually employed in the care and conveyance of the mail, and all persons who have heretofore been commissioned in the line of the army of the United States or in the militia of this, or either of the United States, who have been honorably discharged, shall be, and hereby are, exempted from said enrollment. *Provided nevertheless,* That if any person, subject to military duty, shall be conscientiously scrupulous of bearing arms, and shall certify the same under oath or affirmation, before some justice of the peace, and lodge said certificate with the town clerk of the town to which he shall belong, and pay for recording the same, he shall, thereafter, be exempt from military duty, so long as he shall, annually, pay the sum of two dollars to the captain or commanding officer of the company within whose bounds he may reside; which shall be paid on or before, the first day of May, in each year.

Persons scrupulous of bearing arms, may be exempt on performance of certain conditions.

Sec. 3. *And it is hereby further enacted,* That the governor, by and with the advice of the council, shall arrange the whole of the militia into divisions and brigades. And the several

Divisions, regiments, brigades, &c. how and by whom arranged.

major generals, by and with the advice of the commanding officers of brigades, in their respective divisions, shall, from time to time, arrange the brigades into regiments and battalions. And the field officers of regiments are empowered to arrange their regiments, respectively, into companies, and to make such alterations, as from time to time, shall be found necessary. And, if the same be convenient, each brigade shall consist of four regiments, each regiment of ten companies, and each company of sixty four effective privates.

Present arrangement to continue, until otherwise ordered by Governor.

Each new division, brigade, &c. to be numbered and recorded.

Provided notwithstanding, That the present arrangement of the militia shall continue as it now is, until the governor, with the advice of the council, shall otherwise order. And each new division, brigade and regiment, shall be numbered, at its formation, and a record be made of such number in the adjutant general's office.

Militia, how officered.

Sec. 4. *And it is hereby further enacted,* That the militia of this state be officered as follows, to wit:—to each division, one major general and two aids-de-camp, with the rank of majors:—to each brigade, one brigadier general and one aid-de-camp, with the rank of captain;—to each regiment, one colonel, one lieutenant colonel, one major, to be appointed by the captains and subalterns of the regiments, respectively; to each company of infantry, light infantry or riflemen, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer, and sixty four privates; to each company of artillery, one captain, two lieutenants, and one ensign, four sergeants, four corporals, six gunners, six bombardiers, one drummer, one fifer, and not less than twenty four, nor more than thirty privates or matrosses:—to each company of cavalry, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, one trumpeter,

PUBLIC ACTS.

25

and not less than thirty, nor more than fifty privates.

Sec. 5. *And it is hereby further enacted,* That the several staff departments shall be organized as follows:—there shall be one adjutant general, to be appointed by the governor, with the rank of brigadier general; to each division, a division inspector, with the rank of lieutenant colonel, to be appointed by the major general; to each brigade, a brigade inspector, to serve also as brigade major, with the rank of major, who shall be appointed by the brigadier general; and to each regiment, one adjutant, with the rank of lieutenant, to be appointed by the field officers of the regiment;—all to be commissioned by the governor. There shall, also, be one quarter master general, with the rank of brigadier general, to be appointed by the governor and council: to each division, one division quarter master, with the rank of major, to be appointed by the major general: to each brigade, one brigade quarter master, with the rank of captain, to be appointed by the brigadier general: to each regiment, one quarter master, with the rank of lieutenant, to be appointed by the field officers of the regiment:—all to be commissioned by the governor. And the several quarter masters shall give bonds to the treasurer of this state, with two or more sureties, for the faithful performance of the duties of their respective offices, to be taken by the person making the appointment, previous to granting their commission, in the following sums to wit: The quarter master generals shall give bonds in the sum of seven thousand dollars; the division quarter master in the sum of one thousand dollars; and the brigade quarter Master, in the sum of five hundred dollars; and the regimental quarter master in the sum of two hundred dollars. To each regiment there shall be one chaplain, one surgeon, and one surgeon's mate, to be appointed by the field

Staff department how organized.

Quarter Masters to give bonds.

Amount of bonds.

Governor
may appoint
two aids.

May organize
a pay master's
department.

officers, and commissioned by the governor, and one sergeant major, one quarter master sergeant, one drum-major, and one fife major, to be appointed by the field officers as aforesaid. And the governor, as captain general, be, and hereby is authorised to appoint two aids, who shall be commissioned with the rank of lieutenant colonel. And in case the militia shall be called into actual service, either of this state, or of the United States, the governor may, and hereby is authorised, to organize a paymaster's department, and direct the appointment of such officers therein, as, in his opinion, the exigency of the service may require.

Field; and
company offi-
cers by whose
orders chosen

What notice
for election of
field, or com-
missioned of-
ficers.

Returns of e-
lections by, &
to whom
made.

Sec. 6. *And it is hereby further enacted,* That each brigadier general be, and is hereby empowered, and it shall be his duty to give all such orders, as shall, from time to time, be necessary, for electing field officers, captains and subalterns in regiments and companies, within his brigade, which shall not have been already commissioned; and for filling up vacancies of such officers, or any of them, where they now are, or may hereafter happen; and returns of the elections of captains and subalterns shall be made, as well to the commanding officer of the regiment, as to the brigadier general. *Provided always,* That when any time shall be appointed for the appointment of any field, or commissioned officer, the electors shall have at least ten days notice thereof. And all returns of elections, and neglects or refusals to make choice of field officers, shall be made to the governor by the brigadier general, in whose brigade the election shall be ordered. And a return of the election of all captains and subalterns shall be made to the commanding officers of brigades; and all commissions shall pass through the hands of the brigadier generals, to the officers for whom they shall be made out. And every person who shall be elected to any office in the said militia, and shall not, within

PUBLIC ACTS.

27

fifteen days after he shall have been notified of his election, (except major and brigadier generals, who shall be allowed thirty days after they shall be notified by the secretary of state) signify his acceptance thereof, shall be considered as declining to serve, in such office, and orders shall, forthwith, be issued for a new choice.

Acceptance of appointments within what time to be signified.

Sec. 7. *And it is hereby further enacted,* That every person who shall be lawfully entitled to be commissioned to any office, in the militia of this state, shall, at the time of receiving his commission, take and subscribe the oath of allegiance required by the constitution, and also the oath to support the constitution of the United States, before some general, or field officer, who shall have previously taken and subscribed the same, and who is hereby authorised to administer the same; and a certificate thereof shall be made on the back of every commission, by the general, or field officer, before whom the oath shall have been taken and subscribed.

Officers to be sworn, and certificate thereof to be made on their commissions.

Sec. 8. *And it is hereby further enacted,* That the field officers may appoint the non-commissioned staff officers of their respective regiments, and the several companies may elect their non-commissioned officers: and all non-commissioned staff officers and sergeants shall receive warrants, under the hand of the commanding officer of the respective regiments: and the adjutant shall keep a record in a suitable book, to be by him kept for that purpose, of all warrants which shall be issued;—and no non-commissioned officer or private shall be disenrolled from the militia for disability, without a certificate from the regimental surgeon, or surgeon's mate, to the acceptance of the commissioned officers of their respective companies.

Regimental staff and non-commissioned officers by whom appointed

And to receive warrants. Which shall be recorded by Adjutant.

Disenrolment for disability how obtained

Sec. 9. *And it is hereby further enacted,* That the officers of each company shall appoint an

Orderly ser-
geants by
whom ap-
pointed. orderly sergeant from the list of sergeants, who shall take the following oath before the commanding officer of such company:

Oath. You swear, truly to perform the office of orderly sergeant, and to the utmost of your skill and ability, to do, and perform, with truth and fidelity, all things appertaining to said office of orderly sergeant, according to law—so help you God. And it shall be the duty of every orderly sergeant to keep a fair and exact roll of the company to which he belongs, together with a statement of the arms and accoutrements belonging to each man; which roll he shall, annually, revise and correct, in the month of June, as is in this act herein after directed.

Duty. And it shall further be his duty to register all orders and proceedings in the company in an orderly book; (which book shall never be alienated from the company) to keep exact details of all detachments, and to call the roll of the company when assembled: to examine the equipments when thereunto required; to note all delinquencies, and to receive and pay over to the commanding officer of said company all fines and forfeitures, which are, by this act, directed to be recovered, for the use of the company to which he belongs.

Cavalry how
formed and
arranged. Sec. 10. *And it is hereby further enacted, That the brigadier generals, in their respective brigades, be, and they hereby are authorised to complete the cavalry in their respective brigades, to at least one full troop in each brigade; and there shall in no case, be more than one troop of cavalry to each regiment; and they shall be annexed to such regiments as the commanding officer of the brigade shall direct; and shall be under the command of the commanding officer of the respective regiments, to which they are annexed. And the officers of the cavalry shall furnish themselves with good horses, at least fourteen hands and a half high, and shall be armed with a pair of pistols and*

How equip-
ped.

PUBLIC ACTS.

29

sword, the holsters of which shall be covered with bearskin caps. Each horseman shall furnish himself with a serviceable horse, of at least fourteen hands and a half high, a good saddle, bridle, mail pillion, and valise—holsters, a breast plate and crupper, a pair of boots and spurs, a pair of pistols and sabre, and cartridge box, to contain twelve cartridges for pistols. No man shall be enlisted into any troop of cavalry, unless he shall own and constantly keep a suitable horse, and furniture for that service. And if any person who shall belong to any troop of cavalry, shall be destitute of a suitable horse and furniture, for more than three months, at any one time, he shall be discharged from such corps, by the captain thereof, and be enrolled in the standing company in which he resides. And when any draft or detachment shall be made from a troop of cavalry for actual service, the men thus drafted or detached, shall march with their own horses; and before they march, their horses shall be appraised by three indifferent men, to be appointed by the commanding officer of the brigade from which such detachment shall be made. And the major generals, by and with the advice of the commanding officers of the several brigades, be, and they are hereby authorized, when they shall think proper, to organize the several troops of cavalry into a squadron, under the command of a major commandant; which squadron shall consist of not less than three full companies, and be under the command of the brigadier general of the brigade in which they are raised. And the commanding officer of said squadron shall be liable to the same military rules and duties, of making returns as are prescribed by law to the officers commanding regiments; which squadron shall consist of the following officers, to wit: one major commandant, one adjutant, one quarter master, one riding master, one sergeant major, and one quarter master sergeant. And whenever there shall be

Members of cavalry destitute of horse for certain time, to be discharged.

Men drafted, to march with their own horses.

Horses to be appraised.

Squadrons of cavalry, by whom organized.

How officered.

May be dis-
banded in
certain cases.

Cavalry may
be transferred
and trans-
formed to
light artillery.

four full troops in any squadron, consisting of at least two hundred and twenty men, said squadron shall be entitled to one assistant major, who shall rank with a major of infantry. *Provided always*, That it shall be lawful for the major general, on the application of two thirds of the companies composing a squadron, as aforesaid, to disband the squadron, and annex the several troops of cavalry to the respective regiments of infantry, in the same manner as though they had never been organized into a squadron, as aforesaid. And it shall be lawful for the commander in chief to transfer and transform any part of the cavalry, to light artillery; and such companies, so transferred, shall be armed and equipped as cavalry, and liable to do duty as such, until they are provided with proper ordnance and apparatus as light artillery.

Artillery com-
panies how
formed.

How equip-
ped.

Commanding
officers ac-
countable for
preservation
of ordnance.

Light compa-
nies by whom
raised.

Sec. 11. *And it is hereby further enacted*, That each brigadier, in his respective brigade, be, and he hereby is, authorised to complete one full company of artillery, to be attached to his brigade. And each company of artillery shall be provided with one good field piece, with a carriage and apparatus complete, to be provided by the quarter master general, at the expense of the state; whose duty it shall be, as soon as may be, to provide and furnish the same. The officers of artillery shall be armed with a sword or hanger, each, and every private or matross, with a sword;—and each non-commissioned officer and private, or matross, of those companies which are unprovided with field pieces shall furnish himself with all the equipments of a private in the infantry, until proper ordnance is provided. And the commanding officer of each company of artillery shall be accountable for the careful preservation of the pieces and apparatus provided by government. And the commanding officers of the several regiments, be, and they are hereby authorised to raise two companies of light in-

PUBLIC ACTS.

31

fantry or riflemen, or one of each, in each regiment. Each company of artillery or cavalry, and each company of light infantry or riflemen, may be formed of persons exempt from military duty, or of volunteers from the brigade; which companies of artillery and cavalry shall not exceed one eleventh part of the infantry. And the non-commissioned officers and privates of the companies so raised at large, from the brigade, shall be holden to serve in the companies into which they shall have enlisted, until they shall be discharged therefrom, by their respective commanding officers of companies, squadrons, battallions or regiments.

Artillery, cavalry and light companies may be formed of exempts.

Non-commissioned officers and privates of independent companies holden to serve therein until discharged.

Sec. 12. *And it is hereby further enacted, That* if any non-commissioned officer or private of the cavalry, artillery, light infantry or riflemen, or other volunteer corps, shall neglect, for the term of three months, to keep himself provided with a uniform of the company to which he belongs, as is directed by this act, he shall be discharged from such corps, by the commanding officer of the company, regiment, squadron or battallion, and be enrolled in the standing company in which he resides: and when any non-commissioned officer or private shall enlist into any company of cavalry, light infantry, artillery or other volunteer company, he shall be holden to equip himself and serve in such company, until the captain or commanding officer shall discharge him from the same: and if any person, after enlisting as aforesaid, shall neglect to equip and do duty, as required by the commanding officer of the company to which he belongs, he shall be liable to be fined and dealt with, in the same manner as a private in the standing companies would be, for neglect of duty; and the commanding officer shall have the same power to amerce delinquents and collect fines, as the captains in the standing companies have.

Neglecting to uniform, to be discharged.

Neglecting to equip, liable to be fined.

Commanding officer may amerce delinquents, &c.

Sec. 13. *And it is hereby further enacted, That*

Officer enlisting from standing company, to give certain notice thereof. whenever any captain or commanding officer of any company of cavalry, artillery, light infantry or riflemen, or other volunteer company shall enlist any non-commissioned officer or private into his company, who would, otherwise, belong to the standing company, it shall be the duty of the officer enlisting such non-commissioned officer or private, forthwith to notify the commanding officer, out of whose company such person is enlisted, of such enlistment; and

Persons under eighteen, not to be enlisted into volunteer companies. no person under the age of eighteen years, shall be enlisted into any company of artillery, cavalry, light infantry, riflemen or other volunteer company; and if any person under the age of eighteen years as aforesaid, shall be enlisted

Persons enlisting under eighteen, liable to do duty in standing companies on arriving at that age. into any company of artillery, cavalry, light infantry, riflemen or other volunteer company, he shall be liable to be enrolled and do duty in the standing company within whose bounds he may reside, on his arriving at the age of eighteen years, the same as though he had never enlisted; and such enlistment shall be held utterly void. And no company of cavalry, artillery, light infantry, riflemen or other volunteer company shall be raised within this state, when

Standing companies not to be reduced below 64 by formation of volunteer companies. any of the standing companies shall be, thereby, reduced to a less number than sixty-four effective privates: and no officer of any such corps, shall enlist any man belonging to a standing company, for the purpose of forming and recruiting such corps, when, by means thereof, such standing company will be reduced to a less number than sixty-four effective privates. And

Corps raised at large may be disbanded in certain cases. if any such corps, raised at large, shall at any time be destitute of commissioned officers, and shall neglect to fill up such vacancies, for one full year after being ordered to make such election; or if any such corps shall be reduced below the number of twenty privates, and remain in that situation for the term of one full year, then, in either such case, such corps, raised at large as aforesaid, may, by order of the com-

PUBLIC ACTS.

38

manding officer of the brigade, be disbanded. And the men who belong to such delinquent corps, shall be enrolled in the standing companies in which they may respectively reside; and no such corps raised at large, shall, at any time bear a greater number of men on their rolls, than the law allows necessary to constitute them: and all such corps, raised at large, not annexed to any particular regiment, shall be subject to the orders of the commanding officer of the brigade in which they shall respectively be raised; and shall make their elections and returns in the same manner as other corps of the militia.

Number on
the rolls lim-
ited.

To whose or-
ders subject-
ed.

Elections and
returns how
made.

Sec. 14. *And it is hereby further enacted, That* every commissioned officer of infantry, whose duty shall require him to serve on foot, shall be armed with a sword or hanger; and every officer whose duty shall require him to be mounted, shall be armed with a sword or hanger, and a pair of pistols; and the uniform, in every instance, required by this act, shall be such as the brigadier generals, within their respective brigades, shall direct.

Sundry offi-
cers of infant-
ry how arm-
ed.

Uniform by
whom direct-
ed.

Sec. 15. *And it is hereby further enacted, That* whenever any number of persons, not exceeding fourteen, shall associate themselves into a company for the purpose of instructing themselves in the art of martial music, within any regiment of the militia of this state, and shall provide at their own expense, suitable instruments for that purpose; and having equipped themselves to the acceptance and approbation of the field officers of the regiment to which they belong, they may in the discretion of the field officers of such regiment, respectively, be annexed to such regiment, and be exempt from the performance of military duty, in such way and manner, and under such rules and regulations, as the respective field officers of each regiment may provide. And each and every

Musicians
may form
themselves
into compa-
nies.

Having e-
quipped
themselves,
exempt from
ordinary duty.

company of musicians thus associated, within their respective regiments, under the direction of the field officers of such regiment, may, from time to time, recruit said company or band, within their respective regiments, to the number of fourteen; and all such persons, so equipped, and having provided themselves with suitable instruments, as aforesaid, may, in the discretion of such field officers, be exempt from military duty as aforesaid.

Provided nevertheless, That nothing in this act shall be construed, to exempt from military duty the persons composing more than one band of music to each regiment within this state.

Sec. 16. And it is hereby further enacted, That the commanders of the several bands of music which may, or shall have been organized agreeable to the provision of this act, shall have the same powers for calling the bands together for exercise, and of americing delinquents, in penalties for non-appearance, as are by law, given to the commanders of the militia companies. And it shall be lawful for the commanders of such bands, to require from individuals of their bands, to perform any duties, which by law are enjoined on sergeants or other persons in the militia; and the persons of whom any such service may be required, as aforesaid, shall have the same powers, and be liable to the same penalties, as are by law given to, or inflicted on, sergeants or other persons in like cases; and a member of any band of music shall be liable to be proceeded against for non-appearance, disobedience of orders or disorderly conduct, while on parade, as is provided in case of non-commissioned officers and privates in the militia, and subject to the same penalties.

Sec. 17. And it is hereby further enacted, That every non-commissioned officer and private of the infantry, light infantry or riflemen, shall

PUBLIC ACTS.

35

constantly keep himself provided with a good musket, with an iron or steel rod, a sufficient bayonet and belt, a priming wire and brush, two spare flints and cartridge box and pouch, with a box therein sufficient to contain at least twenty four cartridges, suited to the bore of his musket, a canteen and knapsack; or with a good rifle, two spare flints, knapsack, bullet pouch, powder horn and canteen; and shall appear so armed and accoutred, and provided, whenever called out, excepting, that when called out to exercise only, he may appear without a knapsack. And all parents, masters or guardians, shall furnish those of the militia, who shall be under their care and command, with the arms and equipments above mentioned, under like penalties, for any neglect, which are hereafter provided for those who neglect to equip themselves; except such parents, masters or guardians, as shall be adjudged, by the selectmen of the town, unable to furnish said arms and equipments. And when the selectmen of any town shall judge any inhabitant thereof, belonging to the militia, unable to arm and equip himself, in manner aforesaid, or if minors, whose parents, masters or guardians are unable to equip them, they shall, at the expense of said town, provide for, and furnish such inhabitant, with the aforesaid arms and equipments, which shall remain the property of the town, at the expense of which they shall be provided. And if any soldier shall embezzle or destroy the arms and equipments with which he shall be furnished, he shall, upon conviction thereof, before the county court, be adjudged to replace the articles, which shall be by him embezzled or destroyed, and to pay the costs arising from the process against him; and if he shall not perform the same, within fourteen days after such adjudication, it shall be in the power of the selectmen of the town to which he shall belong, to bind him out to service or labor, for such term of time, as in the discretion of the select-

Non-commissioned officers and privates of infantry, &c. how armed and accoutred.

Parents, masters and guardians to furnish arms, &c.

Penalty for neglect.

Selectmen to furnish in certain cases.

Arms so furnished to remain the property of the town.

Penalty for embezzling or destroying arms, &c.

men, shall be sufficient to procure a sum of money equal to the value of the article or articles so destroyed, and pay costs arising from said prosecution.

Companies
how warned.

What notice
to be given.

Sec. 18. *And it is hereby further enacted,* That when the commanding officer of the company shall think proper to call his company together, or shall be ordered so to do by his superior officer, he shall issue his orders therefor to one or more of the non-commissioned officers, if there be any, and if not, to one or more of the privates belonging to his company, directing him or them to notify and warn the said company to appear at such time and place as shall be appointed;—and every such person or persons who shall receive such orders, shall give notice of the time and place appointed for assembling said company, to each and every person, he or they shall be so ordered to warn, either by verbal information, or by leaving a written or printed notification thereof at the usual place of abode of the person to be notified and warned. And all notice for trainings, shall be at least four days previous to the time appointed therefor; but in case of invasion, insurrection or other emergency, the time specified in the orders shall be deemed legal. And whenever any company shall be paraded, the commanding officer of such company is hereby authorized to notify the men so paraded, to appear on some future day, not exceeding thirty days, from the time of such notification; and such notice shall be legal as it respects the men present.

Companies
when to be
called together.

Sec. 19. *And it is hereby further enacted,* That every captain or commanding officer, shall call his company together on some day between the first Tuesday of September and the first Tuesday of October annually, at nine o'clock in the forenoon, for company discipline; and once on the first Tuesday in June, annually, for the express purpose of examining and taking an

PUBLIC ACTS.

87

exact account of every man's arms and equipments; at which time every article required by this act, shall be brought to the place of examination; at which time it shall be the duty of the orderly sergeant, or in his absence, of some other person, to be appointed on the occasion for the time only, by the commanding officer for that purpose, to make out an exact roll of the arms and equipments which shall belong to each man. And every commanding officer of a company, shall keep constantly by him a roll, with the arms and equipments of every man, annexed to his name, as aforesaid; from which all detachments, and the annual return of the company shall be regularly made; and the said roll shall be revised, corrected and completed on the first Tuesday of June, annually, as aforesaid.

Commanding officer to keep a roll, embracing arms and equipments.

Roll when revised and corrected.

Sec. 20. *And it is hereby further enacted,* That it shall be the duty of the adjutant general to distribute all orders from the commander in chief of the militia to the several corps, to attend all public reviews, when the commander in chief shall review the militia, or any part thereof; to obey all orders from him, relative to carrying into execution and perfecting the system of military discipline, established by law; to furnish blank forms of the different returns which may be required, and to explain the principles on which they ought to be made; to keep such rosters and records as are proper to be kept in his office; to receive from the several officers in the different corps, throughout the state, returns of the militia under their command, reporting the actual situation of their corps, their arms, ammunition and accoutrements, and their delinquencies, and every other thing which relates to the general advancement of good order and discipline; all which the several officers of the divisions, brigades, regiments, squadrons, battalions and companies are hereby required to make, in the usual

Duty of adjutant general.

Officers to make returns to adjutant general of militia, their arms, &c.

From which manner, or as the commander in chief shall
 adjutant gen- direct, so that the said adjutant general may be
 eral shall furnished therewith; from all which returns the
 make abstract adjutant general shall make the proper abstracts,
 and a general and a general return of the whole of the militia
 return to gov- of this state, and lay the same before the gov-
 ernor annual- ernor or commander in chief, in the month of
 ly. October, annually; and also forward a duplicate
 And a dupli- to the President of the United States.
 cate thereof
 to the Presi-
 dent of the U-
 nited States.

Brigade in- *Sec. 21. And it is hereby further enacted, That*
 spectors duty. it shall be the duty of the brigade inspector to
 attend the regimental and battalion meetings
 of the militia composing the several brigades to
 which they belong, during the time of their
 being under arms to inspect their arms and
 equipments; to superintend their exercise and
 manoeuvres, and introduce the system of dis-
 cipline established by law; to obey all orders
 which they may from time to time receive from
 the commander in chief, or other of their supe-
 rior officers; to make returns to the adjutant
 general as herein directed, and at such other
 times as shall be required of the militia of the
 brigade to which they shall respectively belong,
 reporting therein the actual situation of the
 corps, their arms, ammunition and accoutre-
 ments, and every other thing which they may
 be required to report, or which in their judge-
 ment, may relate to their government, and the
 general advancement of good order and milita-
 ry discipline.

Militia to be *Sec. 22. And it is hereby further enacted, That*
 called out by the militia of this state shall be assembled at
 brigades, re- least once in two years, for review, inspection
 giments or and discipline, on such days as the command-
 battalions ing officers of the respective divisions and brig-
 once in two ades shall order, either by brigades, regiments
 years for re- or battalions, as the said commanding officer
 view, &c. may direct. And when a brigade review or
 inspection is ordered, the commanding officer
 of the brigade shall appoint the place of pa-
 Places of pa-
 rade by
 whom ap-
 pointed.

PUBLIC ACTS.

39

rade. And when a regimental or battalion review or inspection is ordered, the commanding officer of the regiment shall appoint the place of parade for his regiment or battalion. The artillery, cavalry and other corps raised at large, shall also be reviewed and inspected at least once in two years, either with the regiments and battalions or by themselves, as the major general or brigadier general shall order, and at such times and places as they shall direct. And each commanding officer of a corps, when on duty, shall have full power and authority to ascertain and affix certain limits and bounds to their respective parades, (no road in which people usually travel to be included) within which no spectator shall have right to enter without liberty from said commanding officer: and in case any person shall intrude within the limits of the parade, after being once forbidden, he shall be subject to be confined under guard, during the time of the exercise, at the discretion of the commanding officer. And all officers, when on duty, shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, and former pretensions of a prior commission do not decide, then their rank shall be determined by lot, to be drawn by them before the commanding officer present; and when on court martial, before the president thereof.

Corps raised at large to meet for review, &c. once in two years.

Commanding officers to fix limits of parade.

Penalty for intruding on parade.

Rank of officers when on duty, how decided.

Sec. 23. *And it is hereby further enacted, That* the field officers and regimental staff, the commissioned, non-commissioned officers and music of each regiment and separate battalion, including artillery, light infantry and riflemen, shall rendezvous, at least once in two years at nine o'clock in the forenoon, and continue through the day (necessary respites only excepted) in military exercise; the time and place of such rendezvous shall be appointed by the commanding officer of brigade, in orders to the commanding officer of the regiment or separate

Field, staff, commissioned and non-commissioned officers and music to rendezvous once in two years for military exercise.

Time and place to be appointed by commanding officer of brigade.

Penalty for
non-attend-
ance.

Brigadier
general and
brigade in-
spectors re-
quired to at-
tend.

battalion; and it shall be the duty of the commanding officer of such regiment or battalion to require each and every of the officers and musicians aforesaid, to appear on said day with such arms, accoutrements and instruments of music as he may deem proper, for the purpose of such exercise: and if any commissioned officer in this section before enumerated shall neglect or refuse to attend when required as aforesaid, he shall be liable to be tried by a court martial, and punished as is provided in the twenty-eighth section of this act: and if any non-commissioned officer or musician shall neglect or refuse to attend when required as aforesaid, he shall be liable to be tried by a regimental court martial, and reduced to the ranks, and fined as is provided in the seventeenth article of the rules and articles in this act. And it is hereby made the duty of the brigadier general and the brigade inspector to attend all such rendezvous, in their respective brigades, superintend their exercise and manoeuvres, and introduce the system of military discipline established by law.

Each regim-
ent or squad-
ron to be fur-
nished with
colours.
Each compa-
ny of infantry
&c. to be fur-
nished with
drum and fife
or bugle-horn.
And each
company of
cavalry with
a trumpet.
Commanding
officer res-
ponsible for
safe keeping
of colours,&c.

Sec. 24. *And it is hereby further enacted, That* each regiment or squadron shall be furnished with the regimental colours, and each company of infantry, artillery, light infantry and riflemen shall be furnished with a drum and fife or bugle-horn, each company of cavalry with a trumpet; and the commanding officers of regiments, squadrons and battalions, shall be responsible for the safe keeping of their colours; and the commanding officers of companies shall be responsible for the safe keeping of their fifes, drums, bugle-horns and trumpets, delivered them for the use of their companies.

Penalty for
disobedience
of orders to
turn out in
case of emer-
gency.

Sec. 25. *And it is hereby further enacted, That* when in case of actual or threatened invasion, insurrection or other public danger or emergency, the militia, or any part thereof, shall be ordered out or detached, if any person who

PUBLIC ACTS.

41

shall be ordered, or detached in obedience to such order, being duly notified thereof, and ordered to march from the place of rendezvous, shall neglect or refuse to obey such order, or shall not, within twenty four hours after he shall have been notified as aforesaid, pay a fine of fifty dollars to the commanding officer of the company to which he belongs, or procure an able bodied man in his stead, such person shall be considered as a soldier in such detachment, and be dealt with accordingly. And when a detachment is made, the officers, non-commissioned officers and privates, being able of body, shall be detached from the rosters or rolls which shall be kept for that purpose; and any person who by absconding, after being detached as aforesaid, or by deserting from such detachment, shall attempt to evade the punishment provided by law for desertion, he shall pay a fine of fifty dollars, to be sued for, and recovered by the captain or commanding officer of the company to which such person belongs, at any time within twelve months after the discharge of such detachment. And when any regiment or company shall not be organized, the officer issuing the order for such detachment, shall by himself or some other officer under him, proceed to make and complete the detachment from any part of the militia of such unorganized corps.

Penalty for
absconding.

Detachments
may be made
from unor-
ganized corps.

Sec. 26. *And it is hereby further enacted, That* when the militia, or any part thereof, of any town, shall be ordered to march for the immediate defence of this state, each officer and soldier shall provide and take with him three day's provisions, unless otherwise ordered. And the selectmen of such town shall cause carriages to attend them with further supplies of provisions and camp utensils, until notice shall be given them to desist, by the officer commanding the militia thus detached; and the selectmen shall prefer their accounts for such supplies to the auditor of accounts against this state, for allow-

Militia when
ordered to
march, to take
three days'
provision.

Accounts of
Selectmen to
be preferred
to auditor of
accounts.

Selectmen neglecting to furnish supplies, &c. town to be fined.

ance. And when the selectmen of any town or district from which a detachment shall be ordered, shall be notified by any officer duly authorized thereto, and shall neglect or refuse to furnish such supplies and utensils, the town or district to which such selectmen belong, shall pay a fine not exceeding two hundred dollars, to be sued for and recovered by any person who shall prosecute for the same; one moiety to the prosecutor, and the other to the use of the state, before any court proper to try the same. And the officer to whom such camp utensils shall be delivered, shall be accountable for the same, unless broken or lost by some unavoidable accident.

Officers accountable for company utensils.

Officers or soldiers killed in service, provision for widows and children.

Sec. 27. *And it is hereby further enacted, That* if any officer, non-commissioned officer or private of the militia shall be killed or die of his wounds, received in the service of the state, his widow, child or children, shall be entitled to similar relief, and under the same regulations and restrictions, as is provided by law in such cases for the relief of widows and orphans of persons killed or dying of wounds received in the service of the United States. And if any officer, non-commissioned officer or private of the militia, shall be wounded or otherwise disabled in the service of this state, he shall be entitled to similar relief, and under the same regulations and restrictions, as is provided by law for the relief of persons wounded or disabled in the service of the United States.

Wounded, provision for.

Sundry courts martial, by whom appointed.

Sec. 28. *And it is hereby further enacted, That* the governor or commander in chief shall appoint general courts martial, for the trial of all officers above the rank of captain; that the brigadier generals, each within his own brigade, shall appoint brigade courts martial, for the trial of captains and all commissioned officers under that rank; and the commanding officer of regiments shall appoint all regimental courts

PUBLIC ACTS.

43

martial, for the trial of non-commissioned officers and privates. And it shall be the duty of every officer who shall appoint a court martial as aforesaid, to approve or disapprove of every sentence of such court martial, by them appointed; and no officer who shall appoint a court martial shall be president thereof; nor shall any sentence be put in execution until it shall have been approved of as aforesaid. A general, or brigade court martial shall consist of twelve members at least, and a president and marshal; the president of which shall not be under the rank of a field officer; and no field officer shall be tried by a person under the rank of captain; and all officers shall take rank on a court martial, by seniority of commission, without regard to corps. A regimental court martial shall consist of six members, a president, and marshal; the president of which shall not be under the rank of captain. If a general court martial is to be formed, orders shall be issued to such divisions, as in the opinion of the commander in chief, may most conveniently furnish the members thereof; if it be a brigade court martial, orders shall be issued to such regiment within the brigade, as in the opinion of the brigadier general or commanding officer of the brigade, may most conveniently furnish the members thereof; if it be a regimental court martial, orders shall be issued to such companies within the regiment as in the opinion of the colonel or officer commanding the same, may most conveniently furnish the members thereof. And whenever a commanding officer of a division, brigade, regiment or company shall be ordered to furnish any officer or officers, as member or members, supernumerary or supernumeraries of a court martial, such officer or officers shall be regularly detailed from the roster of the division, brigade, regiment or company, by the commanding officer thereof, respectively, forthwith, after having received orders therefor as aforesaid. *Provided however,* That in case

Officers appointing courts martial to approve or disapprove sentence. And shall not be president of such court. Sentence not to be executed until approved.

Number necessary to constitute a general or brigade court martial. Rank of president.

Field officer not to be tried by any under rank of captain.

Rank of officers on courts martial to be regulated.

Number of a regimental court martial. Rank of president.

Designation of divisions, regiments and companies from which members of courts martial shall be taken, by whom made.

Members of courts martial to be detailed from rosters of divisions, brigades, &c.

<p>Providing in case of inability, &c., of any officer detailed.</p>	<p>of inability, sickness or absence of any officer whose turn it would be to serve on a court martial, the detailing officer shall certify such circumstance to the officer who ordered the court martial, and detail the officer next in rotation; and the officers ordered to be detailed to serve on courts martial, shall be detailed in the following manner—major generals by the commander in chief, or his orders, from the general roster; brigadier generals, by the commanding officer of divisions, from the division roster; field officers, by the commanding officers of brigades, from the brigade roster; and captains and subalterns, by the commanding officer of regiments, from the regimental roster. When-</p>
<p>Detail by whom to be made in sundry cases.</p>	<p>ever a court martial is ordered, the officer ordering it, shall appoint the president and marshal of the same; he may, also, at his discretion, order a number of officers, not exceeding half the number of members of which the court is composed, to be detailed as supernumeraries, in addition to the members, to attend the court at the organization thereof; and in case there shall be any vacancy or vacancies, the judge advocate shall fill such vacancy or vacancies, from the supernumeraries, beginning with the highest in grade, and proceeding in regular rotation.</p>
<p>Officers ordering court martials to appoint president and martial And may order supernumeraries to be detailed.</p>	<p>And the officer who shall appoint a court martial, shall at the same time appoint a judge advocate, whose duty it shall be, impartially to state evidence, both for and against the officer under trial, take accurate minutes of the evidence, and all the proceedings of the court; all of which he shall transmit, with the judgment of the court thereon, under seal, to the officer whose duty it is to approve or disapprove of such judgment. All persons shall be holden to appear and give evidence before any court martial, under the same penalties for neglect, as are by law provided for witnesses in other cases, when thereunto summoned by a justice of the peace; and shall be entitled to the same fees as witnesses attending the county court, to be paid</p>
<p>From whom vacancies shall be filled by judge advocate.</p>	
<p>Judge advocate, by whom appointed. His duty.</p>	
<p>Persons holden to appear and give evidence</p>	
<p>Fees of witnesses.</p>	

PUBLIC ACTS.

45

out of the state treasury; and all witnesses shall be sworn by the judge advocate, before they give their evidence to the court. Before any court martial shall proceed to the trial of any officer, the judge advocate shall administer to the president and each of the members the following oath, viz:

How paid,

Court to be sworn.

"You do swear, that you will well and truly try the cause now before you, between the State of Vermont and the person or persons to be tried, according to evidence; and you do further swear, that you will not divulge the sentence of this court martial, until it shall be approved or disapproved of, and that you will not, on any account, at any time, discover the vote or opinion of any member, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law: so help you God."

Form of oath.

And the president shall administer to the judge advocate the following oath, viz:

"You do swear, that you will not, on any account, at any time whatever, divulge the vote or opinion of any member of this court martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law: so help you God."

Oath of judge advocate.

When any member of a court martial is challenged, either on the part of the government or the accused, the cause of the challenge must be stated in writing, of which the court after due deliberation shall determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time, shall be received by the court. On questions of challenge, the member objected to, shall not vote, but the president may vote with the members; and in no case shall a challenge be acted upon, until the president and judge advocate, and the intended members are sworn. All trials by court martial shall be carried on in the day time; and when the votes are called for, on a question, the judge advocate shall be-

Method of challenging members of court martial.

But one member to be challenged at a time.

Member challenged not to vote on question of challenge.

President may vote.

Question of challenge not to be acted on 'til court are sworn.

Trials to be held in day-time.

Votes, how
taken.

What majori-
ty necessary
to find guilty.

Sentence.

Sentence of
disqualifica-
tion for office
may be made.

May be re-
versed by the
legislature.
Fines how re-
covered.

And in whose
name.

gin with the youngest in commission, and proceed regularly to the oldest. And at all courts martial, unless two thirds of the members agree that the accused is guilty, the judge advocate shall record his acquittal; but if two thirds or more pronounce the accused guilty, the court shall sentence him, if an officer, either to be reprimanded in orders, or removed from office, or to pay a fine not exceeding one hundred dollars, in the discretion of said court, according to the aggravation of his offence; and if a non-commissioned officer, musician or private, to such fine, forfeiture or other punishment as is or may be provided by law. And if any officer be sentenced to be removed from office, the court shall judge him to be disqualified for, and incapable of holding any military office under this state, either for life, or for a term of years, according to the aggravation of his offence; which sentence either of reprimand in orders, removal from office, fine, forfeiture or other punishment, if approved of, shall remain in full force; but the judgment of disqualification may be reversed by the legislature. And all fines imposed on any officer in pursuance of this section, shall be sued for, and recovered by action of debt, brought on this statute, before any court of competent jurisdiction; and if the officer sentenced to pay a fine as aforesaid, shall be a captain or subaltern, said action shall be brought in the name of the quarter master of the regiment to which such captain or subaltern belongs, for the use of said regiment; if a regimental, field or staff officer, said action shall be brought in the name of the brigade quarter master of the brigade to which said field or staff officer may belong, for the use of said brigade; if a brigadier general or brigade staff officer, by the quarter master of the division to which such brigadier general or brigade staff officer may belong, for the use of such division; and if any other officer, in the name of the quarter master general, for the use of the militia

PUBLIC ACTS.

47

of this state. And all courts martial are authorised hereby to preserve order during their session, and if any person or persons in presence of a court martial shall behave in a disorderly manner, or make any tumult in, or disturb any court martial, and shall not upon the command of the marshal thereof, desist therefrom, it shall be lawful for the court martial to confine such disorderly person or persons, for a time not exceeding eight hours.

Courts martial may preserve order during their sessions. Proceeding in case of disorderly behaviour.

Sec. 29. *And it is hereby further enacted, That* the commander in chief may call boards of officers whenever in his opinion they may be necessary for settling military questions, or for other purposes relative to good order and discipline. And the commander in chief, and the brigadier generals or other officers commanding brigades, each in his own brigade, may order courts of enquiry, to examine into the nature of any transaction, or accusation, or imputation, against any officer, when made by an inferior. *Provided however, That* all courts of enquiry on general or field officers, are to be ordered by the commander in chief; all courts of enquiry on captains, regimental staff and subalterns, shall be ordered by the brigadier generals or commanding officers of brigades; and courts of enquiry shall always consist of three officers and a judge advocate, to be appointed by the person ordering the same; all of whom shall be sworn. These courts shall have the same process to summon witnesses as courts martial, and may examine them on oath; but they shall not give their opinions on the merits of the case, unless they are especially required so to do. The parties shall also be permitted to cross examine witnesses, so as to fairly investigate the circumstances in question. The proceedings of a court of enquiry are to be authenticated by the signatures of the president and judge advocate, and are to be transmitted by the judge advocate, sealed, to the officer

Commander in chief may call boards of officers for certain purposes.

Courts of enquiry may be ordered; by whom and for what purpose.

To consist of three officers and judge advocate. And be sworn May summon witnesses.

Proceedings before a court of enquiry How authenticated.

who ordered the court. The judge advocate shall administer to each of the officers composing a court of enquiry, the following oath:

Form of oath
to court of
enquiry.

"You do swear, that you will well and truly examine and inquire into the matter now before you, without partiality, favor, affection, prejudice or hope of reward: so help you God."

After which the president shall administer to the judge advocate the following oath:

To judge ad-
vocate.

"You do swear, that you will impartially record the proceedings of the court and the evidence to be given in the case in hearing: so help you God."

Oath to be ad-
ministered to
witnesses.

Compensa-
tion to officers
attending on
courts martial
and courts of
enquiry.

The judge advocate shall administer to the witnesses the same oath or affirmation, as the case may be, as is prescribed by law. And any officer who may serve on any court martial or court of inquiry, shall be entitled to receive as a compensation therefor, one dollar per day, for each day he may actually serve in, or necessarily attend such court; and five cents per mile for travel, from his place of residence to the place where such court may be holden; and the president thereof shall certify the travel and attendance of each member, and of the judge advocate and marshal, and when the same shall be allowed by the auditor of accounts against this state, the treasurer of this state is hereby directed to pay the amount thereof, out of any monies in the treasury not otherwise appropriated.

By whom al-
lowed and
paid.

Towns to sup-
ply ammuni-
tion.

Sec. 30. *And it is hereby further enacted, That every town within this state shall be constantly supplied with thirty-two pounds of good gun powder, one hundred weight of lead or musket balls, and one hundred and twenty-eight flints, for every sixty-four soldiers in the militia of such town, enrolled as aforesaid, and the same proportion of each of the aforesaid articles, for a greater or a less number. And every town which shall neglect to keep constantly provided*

PUBLIC ACTS.

49

with the said articles, shall forfeit and pay for the use of the county, for every sixty-four men in such town, which shall be unprovided with such articles, the sum of one hundred dollars, to be recovered by information of the state's attorney in the county court, in the county to which such town belongs. And it shall be the duty of the quarter master of each regiment, annually to inspect the magazine of each town within his respective regiment, and make complaint to the state's attorney of the county, against all towns which neglect to keep constantly provided as aforesaid. And when any town shall have furnished themselves with the magazine as aforesaid, it shall be the duty of the commanding officers of the several companies in such towns, to make a return of the said magazine, in the same manner as though every soldier was provided with half a pound of powder, and two pounds of lead, or musket balls, and two spare flints.

Penalty for neglect.

Quartermaster to inspect the magazine of each town annually.

Magazines being finished, commanding officers to make returns.

Sec. 31. *And it is hereby further enacted, That* whenever there shall be a sufficient number of able bodied, effective men in one or more towns adjacent to each other, who by law are not subject to military duty, and who shall voluntarily enlist themselves in a sufficient number, for the purpose of doing military duty, either as a company of artillery, cavalry, grenadiers, light infantry or riflemen, and after having equipt themselves according to law, and in case of an artillery company, having provided themselves at their own expense, a good field piece, with a carriage and apparatus, to the acceptance and approbation of the brigadier general of the brigade in which they may respectively reside; it shall be the duty of such brigadier general to issue an order appointing a time and place to meet for the purpose of electing their officers, giving at least ten days notice for that purpose; and by himself, or by some person by his order named, when such company shall be

Exempts voluntarily enlisting, may form companies.

How organized.

Muster roll and election of officers to be returned to brigadier general.

Officers to be commissioned by brigadier general.

Duties, penalties, forfeitures, &c.

Enlistments authorized.

convened, to cause a muster roll to be made out from the enlistment, and proceed to lead them to a choice of such commissioned and non-commissioned officers, as shall be proper for said several companies, and as they by law are entitled to. And such presiding officer shall within twenty days from any such election, make out a duplicate from such muster roll, with his returns of election of officers inserted thereon, to the brigadier general within whose limits such company is formed; and the original muster roll made out as aforesaid, shall be delivered by such presiding officer to the captain elected to the command of any such company, for the use thereof. And it shall be the duty of the brigadier general to whom such returns shall be made, to commission the officers chosen as aforesaid; and all such companies shall be considered as constituting a part of the regiment within whose limits they are so raised; and shall be subject to the same duties, penalties and forfeitures as are enjoined by the several statutes of this state, regulating the militia thereof. And such volunteer companies shall have the privilege to enlist from time to time, from the exempts as aforesaid, within the limits of the regiment in which such companies were raised, a sufficient number to keep such companies full.

Uniform, arms, ammunition, &c exempt from civil process.

Polls of non-commissioned officers, privates, and members of bands of music, exempt from list on which state taxes are made. And horses of cavalry.

Sec. 32. *And it is hereby further enacted,* That every citizen enrolled and providing himself with a uniform, arms, ammunition and accoutrements required by this act, shall hold the same exempted from all suits, distresses, executions or sales for debt, or payment for taxes. And the polls of non-commissioned officers and privates in the militia of this state, subject to military duty, and the members of the several bands of music, duly organized, shall be exempted from the list, on which state taxes are made; and one horse owned by any of the cavalry who is accoutred and equipped according to law, shall be exempted likewise from the

PUBLIC ACTS.

51

lists on which state taxes are made. *Provided*, That stallions, owned by any one of the cavalry, shall not be exempted for any larger sum than that at which an ordinary horse is to be set in the list. And the polls of all the officers, non-commissioned officers and privates of the militia of this state, who shall be equipped according to law, shall be exempted from all taxes; but no non-commissioned officer or private shall be excused from taxation as aforesaid, unless he shall prove to the satisfaction of the commanding officer of the company to which he belongs, that the said equipments are his own personal estate; and the listers of each town in making up the general list, shall not place the names of such persons, equipped as aforesaid, in the list. And the polls of every member of a company or band of musicians who shall be formed as the law directs, and shall appear at the annual review of the militia, and be inspected by some general or field officer, who shall certify that they are uniformed and equipped as the law directs, which certificate shall be lodged with the town clerk of the town to which they severally belong, by the commander of such band, in the month of June annually; shall also be exempt from all taxes; and the listers of each town shall not place the polls of such persons on the list. And if any minor, liable to do military duty, shall be equipped according to law, by the parent, guardian or master of such minor, and such parent, guardian or master, prove to the satisfaction of the commanding officer of the company to which such minor belongs, that the said equipments are the personal property of such parent, guardian or master, it shall be the duty of such commanding officer of such company, to make return thereof as herein after provided. And it shall be the duty of the listers to deduct from the list of the person so providing and furnishing such equipments, as aforesaid, the sum of twenty dollars. And no officer, non-commis-

Soldiers not exempt over a certain sum.

Polls of militia duly equipped, exempt from all taxes;

On proof that equipments are the property of persons claiming exemption.

Duty of listers in such cases.

Polls of musicians exempt from all taxes in certain cases.

Parent, master or guardian of minor furnishing equipments, and making proof of property therein;

Commissioned officer to make return thereof.

Deduction of \$20 to be made from list of such parent, &c.

Officers and
privates ex-
empted from
arrest, in cer-
tain cases.

Officers and
witnesses at-
tending courts
martial ex-
empt from ar-
rest.

sioned officer or private, shall be arrested on any civil process, during his going to, remaining at, or returning from, any place at which he may be ordered to meet for the election of any officer or officers. And no officer or witness shall be arrested on any civil process, while going to, attending upon, or returning from, any court martial, court of inquiry, or board of officers, which it may be his duty to attend.

Rules and ar-
ticles for the
government
of militia.

Sec. 33. *And it is hereby further enacted, That* the following be the rules and articles by which the militia of this state shall be governed, when not in actual service.

Sundry offen-
ces subjecting
commission-
ed officers to
be tried by
court martial.

ARTICLE 1. Every commissioned officer who shall be guilty of unmilitary conduct, neglect of duty, or disobedience of orders, or who shall, when on duty, appear, or behave in an unofficer like manner, or who shall, wilfully oppress or injure any under his command, or who shall, at any time, set on foot, or join in any combination to resist or evade the lawful orders of any commissioned officer, shall be liable to be tried by a court martial.

Officers to be
tried shall be
put in arrest.

Shall have
copy of char-
ges.
And 10 day's
notice of time
and place of
trial.

ARTICLE 2. Every officer to be tried by a court martial, shall be put in arrest, so as to be suspended from the exercise of his office, and shall have a copy of the charges exhibited against him, and notice of the time and place appointed for his trial; which copy and notice shall be given him ten days, at least, before his trial is commenced.

Proceeding in
case respond-
ent neglects
to appear, or
withdraws in
contempt of
court, or
stands mute.

ARTICLE 3. In case any officer, non-commis- sioned officer, musician or private, for the trial of whom a court martial is appointed, shall neglect to appear and make defence; or if appearing, shall, afterwards, withdraw in contempt of the court; or being arraigned before a court martial, shall, from obstinacy or deliberation, stand mute, or answer foreign to the purpose, the court may

PUBLIC ACTS.

53

proceed to trial and judgment, as if he had regularly pleaded not guilty.

ARTICLE 4. If any officer, after having been put in arrest, shall presume to exercise any military command, until he be discharged from arrest, he shall be liable to be tried by a court martial, and if convicted, he shall be removed from office.

Penalty for exercising command after arrest.

ARTICLE 5. No officer shall be tried by a court martial for any offence, which shall have been committed more than one year previous to the time when a complaint shall have been made, in writing, thereof, unless he, by reason of absentsing himself, or some other manifest impediment, shall not have been ameanable to justice, within that period.

Limitation of prosecution.

ARTICLE 6. No officer shall be permitted to resign while under an arrest.

Officer not to resign while under arrest.

ARTICLE 7. No general, or field officer, shall be discharged, except by the commander in chief; or other commissioned officer, except by the brigadier general, or officer commanding the brigade to which he belongs, on the request of such officer in writing, or by sentence of a court martial, or by actual removal, or by twelve months absence from the district of his command, or by the corps to which he belongs being disbanded, or by being convicted of any infamous crime.

Officers by whom and in what cases discharged.

ARTICLE 8. No officer shall consider himself as exempt from the duties of his station, except when under arrest, until he shall have been discharged by one of the methods or causes pointed out in the preceding article.

Not exempt from duty unless discharged or under arrest.

ARTICLE 9. No general officer shall approve of the resignation of any officer, until such officer shall have lodged in his hands all such mili-

General officers not to approve of resignation of any officer

until militia
laws, orderly
books, &c. are
lodged in his
hands.
Which shall
be delivered
to succeeding
officer.

tary laws, orderly books, and other books, as he shall have been furnished with by government; which books and laws shall be delivered, by said general officer to the next succeeding officer, who shall be commissioned in the place of him who shall have resigned.

Commanding
officer of
companies
to make out
list of names
annually, and
lodge with
commanding
officer of regi-
ment.

ARTICLE 10. The captain or commanding officer of every company of light infantry, artillery, cavalry or riflemen, shall, annually, in the month of April, make out a list of the names of the men belonging to his company, and deliver the same to the commanding officer of the regiment or regiments within whose bounds such men reside.

And annually
in month of
June, to make
return to
town clerk of
officers, pri-
vates, &c.

And shall de-
signate those
who are, and
are not equip-
ped, &c.

Commanding
officers of re-
giments to
make similar
return of field
and staff offi-
cers, &c.

ARTICLE 11. The captains or commanding officers of every company of militia in this state, shall annually in the month of June, make a return of all the officers, non-commissioned officers, musicians and privates belonging to their respective companies, and lodge the same with the town clerk of the town to which they respectively belong; and in such return, shall designate those who are equipped, and those who are not equipped according to law; and if there be minors who are equipped, he shall also state in his return by whom said minors are equipped; and the commanding officer of said regiment shall make a similar return of field, staff and non-commissioned staff officers, of their respective regiments.

Commanding
officers of
companies to
make return
to command-
ing officer of
regiment in
June annual-
ly.
Regimental
returns to be
made to brig-
adier general
in July.

ARTICLE 12. That every captain or commanding officer of a company, shall make a return of the state of his company, with all the arms and equipments belonging to them, to the commanding officer of the regiment, in the month of June, annually. Every commanding officer of a regiment shall make a return of the state of his regiment to the brigadier general, in the month of July, annually; and every commanding officer of a brigade shall make out

PUBLIC ACTS.

65

duplicate returns of his brigade, one of which he shall transmit to the major general of the division to which he belongs, and the other to the adjutant general of this state, in the month of September annually. And any officer neglecting to make the returns herein before directed, shall be fined by the officer to whom such return should have been made, a fine of twenty dollars, to be collected by any adjutant in the brigade, and proceeded with as the law directs; which fine shall be for the use of the regiment or brigade to which such delinquent belongs.

Brigade returns to be made to major, and adjutant general in September.

Penalty for neglect to make returns.

ARTICLE 13. Any officer neglecting or refusing to make a draft or detachment, when ordered in pursuance of the duties of this act, shall be arrested and tried by a court martial, and the officer next in command shall be ordered to make the detachment.

Officers neglecting or refusing to make drafts, &c
Penalty.

ARTICLE 14. Whenever different corps shall parade, join or do duty together, the senior officer present shall command, without regard to corps.

Different corps being together, senior officers to command.

ARTICLE 15. That at any regimental or battalion muster, the several companies shall form in regiment or battalion, according to their dignity or seniority, as numbered in the regimental books; and the same rule shall be observed when different corps are assembled together, excepting so far as by custom, usage or necessity, the artillery, cavalry, light infantry or riflemen may be detached from the battalion.

Companies how formed at regimental or battalion muster.

ARTICLE 16. Any non-commissioned officer or private; who shall, while under arms, or when on duty behave himself with contempt to any officer, or shall conduct in a disorderly manner, or excite or join in any tumult or riot, or be guilty of any unmilitary conduct, may be put under guard and kept for a longer or shorter time, at the discretion of the commanding offi-

Penalty for unmilitary conduct on parade.

cer of the company; not exceeding, however, the time at which the company to which he belongs may be dismissed; and shall, moreover, forfeit a sum not less than two, nor more than five dollars for each offence, according to the degree or aggravation of the same: and if a non-commissioned officer, shall be liable to be reduced to the ranks by sentence of a regimental court martial.

Penalty for
quitting
guard, &c.
without leave

ARTICLE 17. Any non-commissioned officer or private who shall, without leave of his officer, quit his guard, section, platoon or company, shall for each offence, forfeit not less than two, nor more than four dollars; and if a non-commissioned officer, shall be liable to be reduced to the ranks by the sentence of a regimental court martial.

Penalty for
refusing or
neglecting to
give any no-
tice when or-
dered.

ARTICLE 18. Any non-commissioned officer or private, who shall neglect or refuse to give any notice or warning, when ordered thereto by the commanding officer of the company to which he belongs, shall for such offence, forfeit and pay a fine not exceeding four dollars, for every person he shall neglect to warn; and if a non-commissioned officer, shall be liable to be reduced to the ranks by the sentence of a regimental court martial.

Non-com-
missioned of-
ficer guilty of
disobedience
of orders, &c.
Penalty.

ARTICLE 19. Every non-commissioned officer who shall be guilty of disobedience of orders, neglect of duty or other unmilitary conduct, may be reduced to the ranks by the sentence of a regimental court martial.

Penalty for
neglecting to
attend com-
pany inspec-
tion in June.

ARTICLE 20. Every non-commissioned officer or private, who being duly ordered to appear at the company inspection and review of arms, on the first Tuesday in June, and shall unnecessarily neglect to appear at the time and place appointed, shall forfeit and pay two dollars. And every person liable to do duty in the

PUBLIC ACTS.**67**

militia, who shall be absent at the examination or view of arms, in the month of June, as aforesaid, and shall not send his arms and equipments to be examined at the time and place appointed, he shall be fined for every article required by this act, not so brought or sent to be examined, as is herein directed, besides the fine for non-appearance, as herein directed.

Penalty for
not sending
arms, &c.

ARTICLE 21. Every non-commissioned officer or private, who, being duly ordered, shall unnecessarily neglect to appear for any battalion, regimental or brigade inspection or review, at the time and place appointed, shall forfeit four dollars.

Penalty for
not attending
general re-
view.

ARTICLE 22. Every non-commissioned officer or private, who being duly ordered, shall unnecessarily neglect to appear at any company training, at the time and place appointed, shall forfeit two dollars.

Penalty for
not attending
any company
training.

ARTICLE 23. Every non-commissioned officer or private, who shall neglect to keep himself armed and equipped, as provided by this act, or who shall, at any muster day, or at any other time of examination, or any company training, be destitute of, or appear unprovided with the arms and equipments herein directed, excepting as before excepted, shall pay a fine not exceeding seventy-five cents for a gun, and twenty-five cents for each and every other article, in which he shall be delinquent; or if he shall appear with his arms in an unfit condition, he shall be fined not exceeding seventy-five cents, at the discretion of his commanding officer.

Penalty for
neglecting to
keep and ap-
pear with
equipments.

ARTICLE 24. All surgeons and surgeon's mates are prohibited from taking any fee or gratuity whatever, under any pretence, from any man to whom they may give a certificate of inability to perform military duty, on account of bodily infirmity; and if any surgeon or surgeon's

Surgeon pro-
hibited from
taking any
fee for certifi-
cates of ina-
bility.

Penalty. mate, shall in violation of this article, take any fee or gratuity, he shall be liable to be tried by a court martial.

Penalty in certain cases for not appearing in uniform. **ARTICLE 25.** If any non-commissioned officer or private of artillery, cavalry, light infantry or riflemen shall appear on any of the occasions mentioned in this act, without the uniform of the company to which he belongs, he shall forfeit two dollars.

Rosters to be kept by sundry officers. **ARTICLE 26.** The senior aid-de-camp to each major general, and the aid-de-camp to the brigadier general of each brigade, and the adjutant of each regiment, battalion or corps, shall constantly keep a correct roster of the division, brigade, regiment, battalion, squadron or corps to which they respectively belong.

Notice of trial, and copy of charges to be furnished ten days before session of court martial. **ARTICLE 27.** Every non-commissioned officer, musician and private to be tried by a court martial, shall be notified of the time and place appointed for his trial, and shall be furnished with a copy of the charges and specifications upon which he is to be tried, at least ten days before the trial is commenced.

Senior field officer to command in absence of brigadier general. **ARTICLE 28.** In case of the absence of any brigadier general, for the term of two months, and not exceeding one year, the senior field officer in any brigade, shall during such absence, execute all the powers given by law to the brigadier general.

General officers, their aids and general staff who are equipped, to lodge a certificate thereof with town clerk. **ARTICLE 29.** General officers, their aid-de-camps and the staff, who are not attached to regiments or companies, and included in the returns herein directed to be made to the several town clerks, and who are equipped according to law, shall lodge a certificate, under their hands, with the town clerks of the towns to which they respectively belong, in the month of June annually, that they are equipped as aforesaid.

PUBLIC ACTS.

69

And if any officer shall make a false certificate, he shall be liable to be tried by a court martial, and shall moreover, forfeit and pay to the town treasurer of such town, the sum of twenty dollars, to be recovered by action of debt, before any court of competent jurisdiction. And if any officer shall neglect to make such certificate as aforesaid, his poll shall not be exempt from taxes, as is provided in this act.

Penalty for
certifying
falsely.

Poll of officer
neglecting to
make certifi-
cate not ex-
empt.

ARTICLE 30. The rules and articles which are or may be established by congress, for the government of the militia, when in actual service of the United States, shall be the rules and articles for the government of the militia of this state, when called into the actual service of this state.

Militia when
called into
actual service
of this state to
be governed
by rules and
articles of
congress.

ARTICLE 31. These rules and articles shall be read at the head of each company, on the first Tuesday of June annually.

Foregoing
rules and ar-
ticles when
and where to
be read.

Sec. 34. *And it is hereby further enacted,* That the mode of proceeding in the collection of fines shall be as follows: the fine specified by the thirteenth article of the rules and articles aforesaid, shall be collected as follows, viz: the officer to whom the returns should have been made, shall demand the same of the officer neglecting, either personally or in writing, within sixty days after the forfeiture shall have been incurred; and if the officer neglecting to make the returns, shall neglect or refuse to pay said fine within fifteen days after demand made as aforesaid, the officer to whom such return should have been made, shall issue his execution therefor, to be directed to any adjutant in the brigade. The fines specified in the sixteenth and eighteenth articles, and the fine on non-commissioned officers in the seventeenth article, shall be imposed by a regimental court martial, and collected by an execution issued by the president of the court, after the person fined shall be

Mode of col-
lecting sun-
dry fines.

notified thereof. The fines imposed on parents, masters and guardians, shall be sued for, and recovered by the captain or commanding officer of the company to which the minor belongs, before any court of competent jurisdiction. The fines specified in the twenty-first, twenty-second, twenty-third and twenty-fourth articles, and the fine on privates in the eighteenth article, and all fines and forfeitures to be paid by the non-commissioned officers, musicians and privates, when no other method of collecting the same is pointed out by law, shall be collected by the captain or commanding officer of the company to which the delinquent may belong, in the following manner, viz: the non-commissioned officer, musician or private, who shall be liable for the fine, or shall forfeit any sum of money, set and affixed to any default or offence mentioned in this act, shall be allowed twelve days from the time of such forfeiture, to make his excuse to the captain or commanding officer of the company to which he may belong; but if he shall neglect to make such excuse within the time aforesaid, or if the captain or commanding officer of said company shall consider his excuse insufficient, it shall be the duty of such commanding officer to issue a notification to the delinquent in the following words, viz:

Form of notice in certain cases.

State of Vermont } To orderly
ss. } sergeant (or other sergeant as
the case may be) of the company in the
regiment brigade and division of
the militia of this state, Greeting.

By the authority of the State of Vermont, you are hereby commanded forthwith to give notice to of in the county of who is subject to military duty in said company, that he is amerced in the sum of dollars cents (here describe the default and the time of its commission) and unless he shall, according to law, deliver or cause to be delivered to me, a certificate in writing, from under the

PUBLIC ACTS.

61

hand of one of the field officers of the said regiment (or battalion as the case may be) certifying that said field officer doth remit unto, or excuse him the said from such amercement, that execution will issue against him for the same.

Hereof fail not, but of this precept, with your doings hereon, make due return within six days from the date hereof.

Dated at this day of A. D.
 } Captain or commanding
 } officer of said company.

Which notification shall be served, by being read in the hearing of such delinquent, or by leaving a true and attested copy thereof, at his last and usual place of abode; and it shall be the duty of such sergeant to make return of such notification, with his doings thereon, to such captain or commanding officer, within six days after receiving the same.

How served.

Return within what time to be made.

Sec. 35. *And it is hereby further enacted, That the person upon whom the notification shall have been served, shall within six days after the service of the same, if he wishes the fine to be remitted, apply to one of the field officers of the regiment for a discharge of said fine; and the said field officer shall thereupon notify the captain or commanding officer of the company to which such delinquent belongs, of the time and place when he will hear the excuse of such delinquent, which shall be within six days from the time application shall be first made, and request the commanding officer to appear and shew cause, if any he have, why such delinquent shall not be discharged; and the person applying shall give the notice to the captain or commanding officer of the company, in such manner as such field officer shall direct; and shall also satisfy said field officer, previous to his hearing his excuse, that the notice has been given as directed. And the said field officer*

Application for remission of fine, to whom, and within what time to be made.
 Commanding officer of company to be notified of time and place of hearing excuse of delinquent.

Manner of notice.

Further time
for hearing
excuse may
be given.

may, if he thinks proper, at the time of hearing said excuse, give further time for hearing the same, not exceeding six days from the time first appointed; and said field officer may or may not remit said fine, as the circumstances of the case may require.

Fine not re-
mitted execu-
tion may be
issued there-
for.

Sec. 36. *And it is hereby further enacted,* That if such field officer shall not remit the fine of such delinquent, and deliver him a certificate thereof from under his hand, to be delivered such captain or commanding officer, informing such captain or commanding officer of the same, such captain or commanding officer shall issue his execution for the same, as near as circumstances will permit, in the following form, viz:

Form of exe-
cution.

State of Vermont } To orderly
ss. } sergeant (or other sergeant
as the case may be) of the company of
(cavalry, artillery, light infantry, infantry or ri-
flemen) in the regiment brigade and
division of the militia of this state.

Whereas of in the county of
was, on the day of A. D. by
captain (or commanding officer of said compa-
ny) amerced in the sum of dollars cents,
for delinquency of military duty:—Therefore,
by the authority of the State of Vermont, you
are commanded to levy and collect from the
goods, chattels or estate of of in the
said county of the sum of said amerce-
ment, amounting to dollars and cents,
and dollars and cents costs, for serving noti-
fication; and for want of such goods, chattels or
estate, commit the body of him the said
to the keeper of the gaol in in the county of
within the said prison, who is hereby com-
manded to receive the said and him safely
keep, until he shall pay the same, with all le-
gal fees. Hereof fail not, and make due return
to me of your doings hereon, within sixty days
from the date. Dated at this day of A. D.
A. B. Captain (or commanding officer.)

PUBLIC ACTS.

63

Which orderly sergeant or other sergeant to whom the same shall be directed, shall have all the powers and receive the same fees, in levying, collecting and returning such execution, as are allowed sheriffs and constables for collecting other executions.

Powers of sergeants, and fees in collecting executions.

Sec. 37. *And it is hereby further enacted, That* when any delinquent shall obtain a discharge from any field officer, from any fine, such delinquent shall pay to the commanding officer of the company, the fees for the service of such notification, or such delinquent, unless such fees shall be discharged by such field officer, before such officer shall accept such discharge. And in case such delinquent shall neglect, for the space of twelve days to pay the fees as aforesaid, the commanding officer shall issue his execution against such delinquent, for the fine and costs, which shall be collected, the same as though no such discharge had been obtained from such field officer as aforesaid.

Delinquent obtaining discharge from fine to pay fees for service of notification.

Neglecting to pay fees, fine may be collected.

Sec. 38. *And it is hereby further enacted, That* every sergeant or other person who shall be directed by the captain or commanding officer of any company, to serve a notification on any delinquent, shall be entitled to receive the same fees as sheriffs and constables are entitled to, for serving writs of summons.

Fee for service of notifications.

Sec. 39. *And it is hereby further enacted, That* the keeper of the common gaol in the county to which any delinquent belongs, is hereby commanded to receive and safely keep such delinquent, until such execution is fully paid; and all costs arising thereon; or that he be otherwise discharged by order of law. *Provided nevertheless,* if any delinquent shall reside within any county in which there is not a sufficient gaol, such delinquent shall be committed to the nearest gaol in any other county; the keeper of which, is commanded to receive such delinquent,

Jailer to receive and keep delinquent, charged in execution.

Delinquent may be committed in another county, in certain case.

in the same manner as though he was a resident of the same county.

Sundry fines
how appro-
priated.

Sec. 40. *And it is hereby further enacted*, That the several fines imposed in pursuance to this act, shall be appropriated as follows, to wit: The several fines paid to, or recovered by, the commanding officers of companies, shall be by the said captains and commanding officers appropriated for the purpose of purchasing and keeping in repair company colours, and such instruments of music as shall be directed by the commanding officer of the regiment; and should there be any fines collected to a greater amount than is necessary for that purpose, the same shall be paid annually to the regimental quarter master. All fines imposed by a regimental court martial, or which are declared to be for the use of a regiment, shall be paid to the regimental quarter master, and shall be appropriated for the purpose of procuring regimental colours, and keeping the same in repair, under the direction of the commanding officer of the regiment: and should there be a greater amount than is necessary for that purpose, the same shall be paid to the brigade quarter master, and shall be expended from time to time, under the order of the brigadier general, for the purpose of procuring tents, for the use of the militia of the brigade.

Governor
may commis-
sion adjutant
general.

Sec. 41. *And it is hereby further enacted*, That the governor be, and hereby is authorised to commission the adjutant general, with the rank to which he is entitled by this act.

Unnecessary
firing forbid-
den.

Sec. 42. *And it is hereby further enacted*, That no non-commissioned officer, private or citizen shall unnecessarily fire a gun, single musket or pistol, in any public road, or near any house, or place of parade, on the evening preceding, on the day or evening of the same, on which any troop, company, battalion or regiment shall

PUBLIC ACTS.

65

be ordered to assemble for military duty, unless embodied under the command of some commissioned officer; and if any non-commissioned officer, private or citizen, shall fire a musket, single gun or pistol, except as aforesaid, on the day and evening as aforesaid, without being embodied as aforesaid, he shall forfeit and pay a fine of two dollars for each and every such offence to the treasurer of the town where such offence or offences shall have been committed, to and for the use and benefit of said town, together with costs of prosecution; to be recovered by complaint of any town grand juror, where the offence shall be committed, whose duty it is hereby declared to be, to prosecute the same before any justice of the peace of the same county where such offence or offences shall have been committed. *Provided*, That all prosecutions by virtue of this section, shall be commenced within thirty days next after the commission of such offence or offences, and not after.

Penalty.

How recovered.

Limitation of prosecution.

Sec. 43. *And it is hereby further enacted*, That all laws heretofore made for governing and regulating the militia of this state, are hereby repealed. *Provided nevertheless*, That all officers actually in commission, or appointed agreeable to said laws, shall be continued in their respective offices; and all fines and forfeitures which have already accrued, shall and may be recovered in the manner pointed out by said laws, or in the manner prescribed by this act.

Former militia laws repealed

Proviso.

Sec. 44. *And it is hereby further enacted*, That the rules and regulations for the field exercise and manoeuvres of infantry, compiled and adopted for the organization of the army of the United States, agreeable to a resolve of congress, passed December, 1814, be received, adopted and established as the rules of discipline for the militia of this state.

Rules of discipline for army of United States adopted.